

CHAPTER XXXIII

Camel Disputes

In the Arab States of Arabia proper, the rights of an individual over his camel are looked upon as more sacred perhaps than life itself. It is possible that there may be slight differences in custom and details in various parts of Arabia, but speaking generally, the rules given below will be found to be understood and prevail in most of North-Eastern and Central Arabia. I cannot speak for Oman, Yaman and the Hijaz, but I see no reason to suppose that the basic principles of all desert camel laws are not the same. 421

After dealing with the important custom of 'Arafa, I have touched on and given the meaning, as briefly as I can, of the Badawin terms *Jahmah*, *'Iblasah*, *Tirahak*, *Khidmah*, *Zakat*, *Khawah* and *Dhabihah wa Manihah*, all terms regularly heard in the desert man's daily life. I must express my thanks to His Highness the Shaikh of Kuwait and his able Lieutenant Shaikh 'Abdullah al Jabir who is responsible for Kuwait tribal affairs, for the great assistance they have given by helping me to collect the data necessary for this chapter.

GENERAL PRINCIPLES

- I. *The case of camels belonging to individuals or tribes, straying with friendly tribes.* 421
628
- (a) If one or more camels stray from a tribal herd and are later found with a friendly tribe, the owners can send in a demand for their return to the shaikh of the friendly tribe in question. Providing there is no undue delay, restitution is made and the matter ends. 425
681
- (b) Should the strayed camel or camels not be restored, the owners have the right to watch their opportunity and seize property, livestock or even men belonging to the offending tribe, and

Straying Camels

Chap. XXXIII

421 retain such in their possession until their own plundered
628 property is surrendered.

425 (c) Should the offending tribe still be obstinate (*a'asin*) and not
681 return the camels, then the complainants have the right to hold
what they have seized and must be satisfied with this. It is
presumed that they have seized and held a number of camels
equal to the number lost, neither more nor less.

II. *The case of camels straying away to a hostile tribe.*

The owner of the camel awaits his opportunity, and has the right to seize his enemy's camels and as many as he likes besides, by raid (*ghazru*) or other stratagem, on the grazing grounds of the desert, in the summer or spring months, or on the caravan routes when his enemy visits a town or settlement to purchase supplies.

The injured party (owner of original stolen camels) retains what he has thus acquired from the enemy as a right, or he can make conditions with the enemy as he pleases. He can also if he likes cry "quits" entirely, provided everything is restored which he lost in the first place. Should blood be shed on such raids, the rule of the desert permits of revenge during five lives, that is to say, the party from whom a life has been taken, is entitled to kill a member of the slayer's family or tribe, down to the fifth generation, unless of course the family of the slain man agrees to accept *'idiyah* or *diyya* (blood-money), which is generally computed in Najd and Kuwait to-day at Rials 800 (see Chapter XLII).

III. *The case of a tribe or tribes belonging to a recognised Government, raiding camels of tribes belonging to another Government.*

The Government of the raided tribe has the legal right to claim the stolen property back from the Government of the guilty tribe or to claim money compensation. The compensation is assessed by mutual agreement. Should the guilty tribe, however, refuse to obey the order of its own Government, and it becomes impossible to recover the property stolen, then the injured tribe has the right

Stolen or Lost Camels

Chap. XXXIII

to recover its lost property in its own time, and by whatever means it deems fit to employ.

IV. *The case of stolen or lost camels, recognised in a town or settlement by their original owners. (Both parties for example having come up to purchase supplies.)*

If the two parties are members of tribes which are friendly and on good terms with each other, and if their respective tribes are on good terms with, and under the authority of, the Ruler or Governor of the town in question, then the claimant must produce three witnesses to testify that the property he claims is his own. The words he himself uses to prove his claim before the authority hearing the case are, "I affirm that I neither sold nor gave away this my camel". Having completed this formality, the claimant will receive back his camel by order of the Ruler or Governor of the said town. (This sort of case frequently arises in Kuwait and towns in Najd.)

In the event of the person in possession of the camel having bought it from a third party unaware that it was the lawful property of a member of a friendly tribe, the procedure is different (see below). Again, if the person in possession of the camel has obtained it in war from a third party, the claimant will only receive it back if the custom of 'arafa exists between his tribe and that of the person with whom the camel is found (see below).

V. *The case of a tribe of one Government attacking a tribe of another Government and a battle resulting.*

The attacked tribe has the right to ask its Government to demand and recover full blood-money for its killed and injured from the Government of the guilty party. Should the complainant's Government not be in a position to exact reparation or come to an agreement with the aggressor's Government, either as to the blood-money due or to the terms of peace acceptable to the injured tribe, then the families of the victims have the right to take revenge in their own time and way, without being responsible to their Government in any respect. (V is similar to III.)